

Docket No: NEUDECK
Appl. No: 10/713,968

REMARKS

The last Office Action of April 22, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-9 are pending in the application. Applicant herewith affirms the withdrawal of claims 6-9 from further consideration. Claims 6-9 have now been canceled. Claims 4 and 5 have also been canceled. Claims 1 and 2 have been amended. A new claim 10 has been added. Claims 1-3 and 10 remain in this application.

It is noted that claim 1 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is overcome by amending claim 1.

Claims 1-3 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Pub. No. 2003/0069960 A1 to Symons et al. (hereinafter "Symons").

Claim 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Symons in view of U.S. Pub. No. 2003/0064806 A1 to Gordon et al.

It is noted with appreciation that claim 5 is indicated allowable if rewritten in independent form to overcome the rejection under 35 U.S.C. §112 and to include all of the limitations of the base claim and any intervening claims.

Docket No: NEUDECK
Appl. No: 10/713,968

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Applicant has amended claim 1 by deleting the passage "in particular a machine tool or a production machine", which is now recited in new claim 10.

Withdrawal of the rejection of the claim 1 under 35 U.S.C. §112, second paragraph is thus respectfully requested.

REJECTION UNDER 35 U.S.C. §102(e) AND §103(a)

To expedite prosecution, Applicant has amended claim 1 by incorporating the subject matter recited in claims 4 and 5, which have been canceled. Amended claim 1 is therefore allowable.

Claim 2 has been amended to make it consistent with the changes to claim 1.

Withdrawal of the rejection of claims 1-3 under 35 U.S.C. §§102(e) and 103(a) and allowance of claims 1-3, and 10 are thus respectfully requested.

CONCLUSION

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Docket No: NEUDECK
Appl. No: 10/713,968

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: July 19, 2005
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:WS:ub